

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN H. WHITE,

Plaintiff,

vs.

9:15-CV-88
(TJM/ATB)

ERIC P. VELIE, *et al.*,

Defendants.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his December 18, 2015 Report and Recommendation, Dkt. No. 53, Magistrate Judge Baxter recommends that Defendants' motion for summary judgment (Dkt. No. 34) be granted and the Complaint be dismissed in its entirety as to all remaining Defendants. Plaintiff filed objections to the recommendation. Dkt. No. 55.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28

U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate's findings.). "[E]ven a *pro se* party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument." Machicote v. Ercole, 2011 WL 3809920, at * 2 (S.D.N.Y., Aug. 25, 2011)(citations and interior quotation marks omitted); DiPilato v. 7-Eleven, Inc., 662 F. Supp.2d 333, 340 (S.D.N.Y. 2009)(same).

General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error. Farid v. Bouey, 554 F. Supp. 2d 301, 306 n. 2 (N.D.N.Y. 2008); see Frankel v. N.Y.C., 2009 WL 465645 at *2 (S.D.N.Y. Feb. 25, 2009). After reviewing the report and recommendation, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b).

III. DISCUSSION

Having considered Plaintiff's objections and having completed a *de novo* review of the issues raised by the objections, the Court accepts and adopts Magistrate Judge Baxter's recommendations for the reasons stated in his thorough report.

IV. CONCLUSION

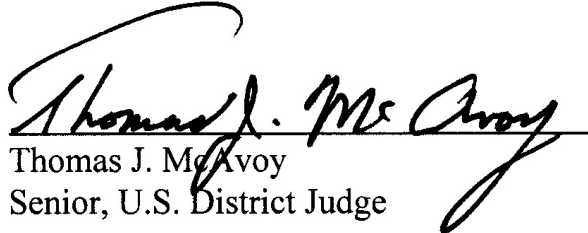
For the reasons discussed above, the Court accepts and adopts Magistrate Judge Baxter's December 18, 2015 Report and Recommendation, Dkt. No. 53, in its entirety.

Accordingly, Defendants' motion for summary judgment, Dkt. No. 34, is GRANTED and the Complaint is DISMISSED in its entirety as to all remaining Defendants.

The Clerk may enter judgment in favor of Defendants and close the file in this matter.

IT IS SO ORDERED.

Dated: March 28, 2016


Thomas J. McAvoy
Senior, U.S. District Judge